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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,152

06/22/2004

John G. Macke JR.

03-1139

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02/06/2009

OSTRAGER CHONG FLAHERTY & BROITMAN, P.C.

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EXAMINER

EWALD, MARIA VERONICA

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

02/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/710,152	<b>Applicant(s)</b> MACKE ET AL.	
	<b>Examiner</b> MARIA VERONICA D. EWALD	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008 and 06 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-10, 18-22 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 18-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

13. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on January 6, 2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 6, 9 – 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feygin, et al. (U.S. 5,637,175). Feygin, et al. a sintering system comprising: a tool chamber enclosing a sinter material comprising a laser-fusible sinter powder (figure 2; column 16, lines 20 – 30); a laser system sintering said sinter material as a function of controller signals (column 5, lines 39 – 50; column 16, lines 33 – 40); a first tool section having a first plurality of predetermined features (column 7, lines 60 – 67; column 13, lines 5 – 15); and at

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least one other section of said tool having a plurality of predetermined features (column 13, lines 1 – 25).

Feygin, et al. teach a rapid prototyping apparatus or a layered object manufacturing (LOM) system, wherein a laser-sinterable material (whether a powder or a sheet material) is contoured and subsequently or simultaneously bonded to previously-fabricated layers. The apparatus includes a build chamber with a reciprocating platform, a laser system and a supply of material. The object design may include such complex contours such as intricate channels, voids or surface irregularities, which are created in CAD (column 7, lines 60 – 67). The object design is first created by the designer using a preferred computer design program. The program then “slices” the object into discrete cross-sections. The cross-sections are then fed to a controller and accordingly, the powder or sheet material deposited onto the build platform is contoured per the cross-sectional shape (column 5, lines 25 – 35 and 40 – 50). The powder deposited onto the build platform may be sintered per the designated cross section wherein the bond between the sintered sections remains weak with the already formed layers or tool section (column 12, lines 40 – 65). Subsequent to sintering, the layers may be fully compressed and joined such that the object is subjected to impact or vibration (column 13, lines 5 – 20). Thus, the layers are each “tool sections” which are subsequently compressed and joined via the desired compaction or vibration. Alternatively, if a sheet material is utilized instead of the bulk powder, the fabrication steps remain similar in that the individual cross-sections are separately sliced or contoured. However, the entire stack of laminations or tool

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sections may be joined or laminated after the laminations have been produced (column 17, lines 1 – 40).

Feygin, et al., however does not specifically teach that the tool sections comprise a joint component being adapted to couple to another section of the tool. This, however, is an obvious modification and depends on the designer's object or tool design. Feygin, et al. is already teaching that the object may include contours, intricate details, surface voids and/or channels. Thus, including a joint component whether a tongue, bolt, section holes, or slots is well within the level of one of ordinary skill in the art. The Examiner is also noting that the object design as claimed in new claim 41 limits the object itself which can easily be modified accordingly depending on the type of object being produced wherein the design does not further limit the components of the system already claimed.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the system of Feygin, et al. such that the tool section(s) include a joint component adapted to couple to at least one other section of said tool, wherein the joint component is a bolt, section hole or tongue depending on the object design being created by the user.

Claims 7 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feygin, et al. in view of Masters (U.S. 5,216,616). Feygin, et al. teach the characteristics previously described but do not teach that the tool is comprised of a heat sink positioned within said tool chamber or a buffer feature protecting said joint component.

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In a rapid prototyping apparatus, Masters teaches the presence of a heat sink or buffer feature in the form of supports which are formed within the build chamber to prevent shrinkage or warpage during curing (column 2, lines 22 – 27; column 6, lines 8 – 35). The supports are easily melted away after the object has been formed (column 6, lines 26 – 30).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of Feygin, et al. further configured with the supports of Masters for the purpose of reducing shrinkage or warpage during curing of the three-dimensional object.

### ***Response to Arguments***

15. Applicant's arguments, see pages 6 – 7, filed December 15, 2008, with respect to the rejection(s) of claim(s) 1 – 6 and 9 – 10 under 35 U.S.C. 103(a) have been fully considered but are moot because claim 1 has been cancelled. With respect to the previously-cited primary reference of Heugel, the Examiner agrees with Applicant's arguments that Heugel does not specifically teach that the parts being produced in the chambers are separate sections of a tool and thus, with respect to new claim 41, Heugel does not teach a first tool section having a plurality of predetermined features and at least one other section of said tool having a plurality of predetermined features.

However, upon further consideration and in light of new claim 41, a new ground(s) of rejection is made in view of Feygin, et al. Feygin, et al. teach a laser-sintering (whether LOM or rapid prototyping) apparatus, wherein a bulk

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powder or sheet material is deposited layerwise onto a build platform and either simultaneously or subsequently, each contoured layer is joined together to complete the three-dimensional object. The system of Feygin, et al. includes an object design, generated via a computer design program and sliced into discrete cross-sections. A controller subsequently feeds the cross-sectional designs to a laser system, wherein the bulk material is contoured per the cross-sectional shape. The cross-sections are then joined together to produce a completed three-dimensional object. In the case of a bulk powder, the layers or cross-sections may be subject to impact or vibration to join such tool sections, wherein if a sheet material is used, the individual laminations may be joined together post sintering via exposure to heat.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA VERONICA D. EWALD whose telephone number is (571)272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVE

/Maria Veronica D Ewald/  
Examiner, Art Unit 1791